

REMARKS

Priority

A certified copy of the DE priority document is submitted herewith.

Claim Rejections Under 35 USC 112

Claim 1 is amended to correct for the obvious inconsistency between it and claims 2, 3 and 12 in how it defined A¹ and A². In claim 1, the definitions of A¹ and A² included the moiety K as a terminal group, while in claims 2, 3 and 12, they did not, whereby A¹ and A² were defined as divalent groups in claims 2, 3 and 12, but as monovalent groups in claim 1. Now in all the claims, the group K is not part of the definitions of A¹ and A² but rather a separate group attached to A¹ and A². Formula I has been also adjusted to be in accord. No change in claim scope has been made by this clarifying amendment.

In claim 2, the second to last group was fixed where a parenthesis was missing. The amendment finds basis in the general formula provided for this group in claim 1, where in the first option for A¹, R¹ is a monohydroxy-C₂-alkyl group, which is the only option to get an OH group into the definition of A¹ at the affected position. Thus, it is clear that the missing parenthesis should follow the R¹ group, i.e., the OH group on this moiety.

In claim 3, the group having insufficient antecedent basis has been corrected. The NH₂ group on the right hand side of the formula should have obviously been a CH₂ group based on the general formula for this group given in claim 1.

In claim 12, the extra bond from a hydrogen atom is removed. This is the correction of an obvious error whose solution is also obvious.

In claim 12, the groups -Y¹-NR¹-CO-B¹- and -Y¹-NR¹-CO-B¹- are defined as divalent groups since these are groups clearly defined after the reaction of a compound of formula II and III, which groups form upon reaction of a Y¹NHR¹ group or the Y²NHR¹ of a compound of formula II with the O^xCB¹- group of a compound of formula III.

In claim 12, in step c), the extra bond from the carbon atom on the right hand side of the group A¹, is removed. This is merely the correction of an obvious error where the correction is also obvious.

The term nucleofuge is rejected. This term is a term of art clearly understood by those of ordinary skill in the art. It refers to leaving group that carries away the bonding electron pair. For example, in the hydrolysis of an alkyl chloride, Cl⁻ is the nucleofuge. The tendency of atoms or groups to depart with the bonding electron pair is called nucleofugality. See, for

example, the online dictionary at <http://www.chemicool.com/definition/nucleofuge.html>. Additionally, the specification provides some examples to those of ordinary skill in the art in the first full paragraph on page 14.

The term galenicals is also rejected. This term was changed to galenical formulation in the claims. This term is also clearly understood by those of ordinary skill in the art. It refers to a medicinal preparation composed mainly of herbal or vegetable matter. See, for example, the online dictionary at <http://www.yourdictionary.com/ahd/g/g0015000.html>. Additionally, the specification provides some examples to those of ordinary skill in the art in the last full paragraph on page 27.

Rejections not specifically discussed are believed to be clearly overcome by the amendments.

The Specification

The errors in various formulae corrected in the claims as discussed above are also corrected in the specification.

Double Patenting

Application numbers 11/135,656 and its continuation 11/274,895 are identical. 11/135,656 has been abandoned in favor of its continuation. Thus, the rejection over this reference is moot.

The scope of the claims in both 11/274,895 and in the current application are undetermined. Upon finalizing the claims, applicants will consider the filing of a terminal disclaimer.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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